

FACTSHEET

TITLE: MISCELLANEOUS NO. 00006, requested by the City Attorney, to amend the "Design Standards for Land Subdivision Regulations", the "Design Standards for Zoning Regulations" and the "Miscellaneous Design Standards", and to combine the Design Standards into a single document entitled, "**THE CITY OF LINCOLN DESIGN STANDARDS**".

STAFF RECOMMENDATION: Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/26/00 and 08/09/00
Administrative Action: 08/09/00

RECOMMENDATION: Approval, with amendments (9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes').

FINDINGS OF FACT:

1. The Planning staff recommendation of approval is based upon the "Analysis" as set forth on p.2.
2. The "Executive Summary" as reviewed by the Planning Commission is found on p.13-19.
3. The presentation by staff is found on p.4. Additional information submitted by the staff is found on p.21-22, which is a list of the staff and engineers which participated in the development of these design standards.
4. Testimony in opposition is found on p.5, including proposed revisions. (Also see p.20). On July 26, 2000, the opposition requested a continuance.
5. Continued public hearing was held on September 6, 2000. The staff submitted proposed amendments by the consultant, Blessing & Chase, in response to the concerns raised at the initial public hearing (p.23-24). Emil Turek of Lincoln Electric System appeared to answer questions which were raised at the initial public hearing (p.7).
6. Those who appeared in opposition at the initial hearing testified in support at the continued public hearing, with requests for amendment (p.8-9).
7. On August 9, 2000, the Planning Commission voted 9-0 to recommend approval, with the amendments submitted by the consultant, Blessing & Chase, as set forth on p.23-24, with three additional amendments (See Minutes, p.10-12).
8. A "Supplemental Executive Summary" setting forth the amendments recommended by the Planning Commission is found on p.25-40.
9. The amendments recommended by the Planning Commission have been incorporated into the document, "**Proposed City of Lincoln Design Standards**", which is hereby submitted for Council consideration under separate cover.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 18, 2000

REVIEWED BY: _____

DATE: September 18, 2000

REFERENCE NUMBER: FS\CC\FSMISC00006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: MISCELLANEOUS NO. 00006

DATE: JULY 11, 2000

REVISIONS TO THE CITY OF LINCOLN DESIGN STANDARDS

PROPOSAL: E. Rick Peo, Assistant City Attorney, has requested amendments to the *City of Lincoln Design Standards*

GENERAL INFORMATION:

APPLICANT: E. Rick Peo, Chief Assistant City Attorney
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ANALYSIS:

1. This request is to amend the *Design Standards for Land Subdivision Regulations*, *Design Standards for Zoning Regulations*, and *Miscellaneous Designs*, and to combine the Design Standards into a single document entitled *The City of Lincoln Design Standards*.
2. The attached Executive Summary of Changes to Design Standards by Mr. Peo notes the specific changes being made.
3. One of the major changes to the Design Standards will permit Directors to process waivers of the Design Standards subject to acceptance of the Director's report on the waiver by the City Council.
4. This will only allow waivers of items required with the *Design Standards*. It will not allow the Directors to administratively waive minimum improvements of the *Subdivision Ordinance*.
5. Directors' approval of waivers directly through the City Council, will assist in expediting the waiver process.

STAFF RECOMMENDATION:

Approval of the Amendments to the Design Standards for Land Subdivision and Zoning and Miscellaneous Design Standards to be called *The City of Lincoln Design Standards*.

Prepared by:

Richard A. Houck, AICP
Planner II
Planning Department

MISCELLANEOUS NO. 00006

“CITY OF LINCOLN DESIGN STANDARDS”

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 26, 2000

Members present: Steward, Carlson, Newman, Taylor, Duvall and Schwinn; Hunter, Bayer and Krieser absent.

Planning staff recommendation: Approval.

This item was removed from the Consent Agenda and had separate public hearing at the request of Rick Krueger.

Proponents

1. **Rick Houck** of the Planning staff pointed out that the words “or variance” in the second line of paragraph A on the first page should not be crossed out.

2. **Rick Peo, City Law Department**, gave some history on this proposal. A few years ago, the city began the process of rewriting the zoning code and subdivision ordinance and was working with the design standards as well. Public Works wanted to revise and update the design standards to conform with new engineering principles. The changes to the design standards were technical in nature and the intent was to incorporate them into the Code. The rewrite of the zoning code ran into some opposition and concerns and was slowly abandoned; however, there is still merit to coming forward with the new design standards for land subdivision.

Public Works hired the consulting firm of Richard Chase to prepare the subdivision ordinance revisions for design standards; the proposed design standards were processed through various engineering firms and then recommended to the Planning Commission.

The other concept was that we now have three sets of design standards: Zoning, subdivision and driveway, which are periodically adopted and amended, but it is hard to track any particular design standard for past history. This proposal incorporates all of the design standards into a single document, numbering the text in such a manner so that amendments can be processed similar to the zoning code.

With respect to the proposed consolidated design standards before the Commission today, Peo explained that the zoning design standards have not been changed—they are the same except for those that relate to engineering type principles like driveways. The Executive Summary sets forth the changes being proposed.

A question did come up on the street lighting design standards as to elimination of ~~park~~ part lighting. This was a typographical error and should be “~~park~~ part night lighting” (page 87 of the agenda). (**Corrected 8/09/00**)

Opposition

1. Rick Krueger, President of Krueger Development, submitted typewritten comments. He stated that he is not so much opposed but has four areas of concern in regard to the Executive Summary:

--Page 084 **Water Main Design Standards #5 (top of the page).** Increase the water main size in industrial areas from 8" to 12". He would like to know what the standard is for pressure at the hydrants that allows for adequate fire protection. He is unaware of any of the hydrants in his subdivisions that are on an 8" line that have inadequate pressure. Also, what happens with a private water system? Will it also need to be 12"? What size of industrial development will require this new standard? Will this apply only to I zoned land or to all commercial zonings? Is this an attempt to have the private sector pay for more of the water system than is really required for adequate protection?

--Page 087 **Street Lighting Design Standards.** Krueger observed that many people would appreciate a lesser amount of street lighting rather than an increase in the urban glow. He noted that one of the biggest concerns expressed by the Porter Ridge neighbors when he was working on the DuTeau site was the fear that this use would light up the night sky. That issue was resolved by DuTeau agreeing to turn down their lights shortly after they leave for the evening.

--Page 088 **Driveway Design Standards.** What are the revisions to the vehicle stacking requirements for drive-in type facilities? Are they increasing the amount of stacking or reducing it?

In addition, Krueger wanted to know when these new standards will take effect. What happens to the projects that are currently being processed?

2. Mark Hunzeker testified that he has talked to at least two engineers, one of whom knew absolutely nothing about this and one of whom had attended one meeting. This is a pretty substantial document, and is not in legislative format to indicate where the changes are being made. He would appreciate more time to review. Two weeks would be the minimum, one month would be better. In the street design standards there are a number of things that appear to change the minimum curve radii which tend to elongate curves, making them much easier to travel at faster rates of speed. This is an area where we have had conflicts in the past and residential streets have been designed in a way to slow traffic down. A few things like that need to have some further review and discussion.

3. Kent Seacrest appeared on behalf of **Ridge Development Company.** He agreed with Mr. Hunzeker's comments. There are certain standards that would impact many developments and take some creativity away that they have enjoyed in the past. Removing potential landscape areas in the cul-de-sacs is a serious issue that needs further discussion.

Steward agreed that the section on street lighting is a concern, which apparently is LES recommended and controlled. What would be the appropriate procedure to get some direct interaction on this section with LES? Peo stated that LES indicated they would be willing to have

someone come down and speak if there is some controversy; however, the new manager is on vacation so he could not attend today.

Steward asked Peo's response to the request for a continuance. Peo suggested that this legislation be continued to the September 6th meeting of the Planning Commission to provide an extra length of time to review the materials. The subdivision design standards were prepared by the consultant so there is not a legislative format available. It will take some work to put this together.

Carlson asked Peo to explain the new waiver procedure. Peo stated that the new waiver procedure is designed to be streamlined in that a request for a waiver is made with the director responsible for that particular design standard. The request would go to that director, with written report and finding; then it gets forwarded to the City Clerk for scheduling on city Council agenda; it would then come up as a report at a City Council meeting and the City Council can either approve the report of the director if they agree with the director's findings, or they could pull it and have a separate public hearing at another time if they disagree with the director's report and findings. The report would come forward somewhat like a consent agenda item and unless someone wants it heard separately, it is adopted. This waiver procedure is applicable to all the design standards as proposed. Presently, they are filed and heard by Planning Commission, with a recommendation to the City Council. This would bypass the Planning Commission hearing process. Carlson confirmed that the City Council hearing does not provide notification to property owners. Peo concurred. However, most of the design standards are more technical in nature and more of a director type decision.

Rick Houck of Planning staff observed that this waiver process only applies to design standards. It does not apply to the minimum improvements required by the subdivision ordinance. Those would still be heard by Planning Commission and City Council through the normal process.

With regard to the street lighting design standards, Steward would like to have LES be thinking about these concerns: 1) what is the balance between adequate lighting for safety and conservation of energy and economic charges? It appears there is a significant increase in economic charges to the developer and therefore to the property owners in this change. He would like to have someone justify why all of a sudden this becomes a requirement that we have not had in the past. We have a responsibility for the balance between safety and the conservation of energy and this does not appear to be a conservation approach. Steward also believes that the issues raised by Mr. Krueger are valid from the standpoint of less sky brightness from artificial illumination. That again is a balance—what is best for the city?

Schwinn concurred. He wants more information. Many times we have public testimony about too much light and now we are proposing standards to add more light to the streetscape.

Newman has concerns about the centerline radii for streets.

Duvall moved to defer with continued public hearing and administrative action scheduled for September 6, 2000, seconded by Newman and carried 6-0: Steward, Carlson, Newman, Taylor, Duvall and Schwinn voting 'yes'; Hunter, Bayer and Krieser absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 6, 2000

Members present: Krieser, Newman, Hunter, Duvall, Taylor, Schwinn, Carlson and Bayer; Steward absent.

Rick Peo of the City Law Dept. submitted proposed revisions from the consultant, Blessing & Chase, in response to the concerns raised by the Home Builders at the public hearing held on August 23, 2000. These changes are minor and are being proposed subsequent to a meeting held with the Home Builders Association. Staff would recommend that the Blessing & Chase amendment be accepted.

Emil Turek, of Lincoln Electric System, discussed the issue about sky glow increase. The increase in light luminaries will go up 78% which in turn would mean that the light that is directed into the sky will also go up 78%. Depending on luminaries that developers choose, the light that goes up into the sky is only one to four percent of the total light emitted. Even though it is being increased 78%, it is still a small insignificant percentage as far as contribution to sky glow.

As far as the balance between adequate lighting for safety versus concern for conservation and increased cost of additional lighting, Turek demonstrated how the dark spot between the lights would be decreased and the higher level would be increased. It is a small increase in cost but LES recommends that it is worthwhile.

Carlson observed that obviously it is brighter, but he wondered whether LES had numbers to back up the presumption that brighter is safer. Turek had nothing other than industry standards on uniformity for different street traffic and speed levels. The industry standard is uniformity of 10-to-1, which is average light to minimum light. In going from dark to light as you drive down the street, you will be able to recognize something in your path. In going from light to dark you increase the chance of not picking up something in your sight. With these changes we could meet the industry standard of uniformity of 10-to-1.

Carlson inquired whether there are different standards on streets with different speed assumptions. Turek advised that there is a whole table of different light levels and uniformity as to pedestrian crossing versus arterial lighting; etc. LES is only recommending changes to the spacing and luminaries for residential streets. The traffic assumption there is that speeds are slower. For those streets, the recommended standard is uniformity of 10-to-1 and these changes would meet that standard.

Carlson wondered how difficult it is for an area to get an additional street light. Turek advised that LES would work with whomever and if it doesn't meet the guidelines it is still a good way to increase the light level, improving uniformity. These are handled on a case-by-case basis. Carlson is hopeful that that opportunity exists.

Proponents

1. Mark Hunzeker appeared on behalf of the **Home Builders Association and Lincoln Board of Realtors**. Generally speaking, he believes these changes are to the good. They reflect a lot of current practice and they also make several significant improvements from increasing the distance between manholes to changing some street grades to make it easier to make grades work at intersections of major streets and to providing a somewhat streamlined waiver procedure.

Hunzeker noted that the sanitary sewer and water main easements are increased from 20 feet to 30 feet. We seem to be on a role in terms of increasing widths of drainage corridors, rights-of-way and various kinds of public access nonbuildable areas within subdivisions. Hunzeker suggested that these increases are unnecessary and requested that they not be adopted.

As far as the water main size in industrial areas, Hunzeker observed that not all industrial areas will need 12" mains but there will be an opportunity to justify the smaller mains.

Hunzeker is concerned about elimination of using center islands for residential cul-de-sacs. Hunzeker then referred to page 4 of the Executive Summary, #1 under "Rural Public Street Design Standards". He requested that the Commission consider not establishing 40 mph design speeds for interior rural subdivision streets. To the extent that you increase the speeds within the interior streets you simply encourage higher speed traffic and through traffic. We have been trying to maintain a relatively circuitous path through the middle of residential subdivisions in order to maintain a slower speed.

With regard to the street lighting standards, Hunzeker suggested that rather than a 10% increase, we're probably looking at 20-22% increase in cost on the street lighting standards which he believes to be a very marginal benefit for fairly significant additional cost. We do not need to increase the number or brightness of our residential subdivisions.

Hunzeker no longer has any objection to #3 on page 4 regarding an increase in maximum longitudinal grades for local and collector streets.

2. Bob Hampton, President of Hampton Development Services and President of the Home Builders Association, testified in support. He is glad that Public Works and Planning are making these changes. Most of them are really good. He would like to keep the islands in the cul-de-sacs. It provides a sense of place and nicer neighborhoods. With regard to the lighting increase in residential neighborhoods, Hampton commented that he has never heard any lot buyer or home owner say they want more street lights. The cost would be a 20-22% increase. Hampton is hopeful that the water main in industrial areas can be further refined because in many cases the 12" is not needed.

3. Kent Seacrest appeared behalf of **Ridge Development and Southview, Inc.** He echoed the sentiments that this is positive. However, he suggested that there needs to be about a 90 day grandfathering clause because there are subdivisions in the pipeline that should not be affected.

His clients are not favorable to the requirements for 30' abutment of water and sewer. His clients have never been supportive of the sewer service stubs that are required. He questions whether or not changing the minimum centerline radius for local streets is a good idea. It increases speed in local neighborhoods.

With regard to #12, on page 4, of the Executive Summary, which requires public streets to be graded to provide slope from the building line to the curb, Seacrest believes there needs to be some provision that if they do provide adequate storm water on the streets, that this requirement is not necessary. You don't want to bring dirt in just to get the building to slope back to the street.

With regard to #16, on page 4, which establishes lateral obstacle clearance requirements, Seacrest agreed that this is great in new areas, but not in the older areas where we do a little widening of the street to get the middle pocket. He is afraid this standard could be used as a technique to remove trees in the older neighborhoods.

With regard to #17, on page 4, which talks about building sidewalks at the time they build the roads, Seacrest suggested that the builder is going to run over the sidewalk and break it up. There are other techniques that notify people that their sidewalk is coming.

With regard to street lighting, both wattage and spacing, Seacrest also has never had anyone complain that it is too dark in the residential areas. In a typical subdivision with 10,000 linear feet, that is a 22% increase in the number of poles.

Bob Hampton suggested that "within 2 years" be added to #3 of the Blessing & Chase letter regarding landscaping center islands: "All landscaping shall be installed along with the paving construction, within two years." Dennis Bartels of Public Works stated that the intent was to get the islands landscaped and he would agree to adding, "within 2 years."

Bartels also explained that Public Works has always maintained that we do not want a building within 15' of the centerline for a water main. Public Works takes the position that 30' is better for water. Public Works can live with 20' for sanitary sewer.

With regard to the service stubs, Bartels explained that five or six years ago the Wastewater Department adopted that as a policy. We were having all kinds of pavement problems and not getting good backfill on the plumber cuts. Public Works objects to going back to making cuts. Wastewater made the taps and the plumber would go on from there.

With regard to the centerline radius for local streets (#4 on page 3 of the Executive Summary), Bartels explained that this has nothing to do with intersections. It's around a horizontal curve. We are required to design to the minimum design standards of the State Board of Public Roads, as well as the Municipal Code. If a local street doesn't have speed limit signs, the implied speed limit is 25 mph. By the handbook, with 125' centerline radius, that is approximately a 17 mph design speed.

With regard to installation of sidewalks, the subdivision ordinance requires the sidewalk along with the paving but we have not been successful in making that happen. Building

& Safety cannot make a health and welfare argument on a sidewalk. They are reluctant to enforce sidewalks as a condition of occupancy.

Peo explained that currently, sidewalks have to be constructed within four years after subdivision approval. However, the pedestrian way sidewalks and commercial area sidewalks don't get put in. The desire is to tie the sidewalks to the road project.

With regard to the 40 mph speed limit for collector streets, Bartels advised that traditionally we don't see a wider collector type street in an acreage type subdivision. The typical street in the subdivision by this standard is still legal at a 30 mph design.

With regard to a 90-day grandfather clause, Peo advised that it is the intent to include a timeline for implementation in the Council resolution.

Carlson has concerns about the waiver procedures. Peo explained that this is the only waiver provision the staff put in because it was never in the design standards. We were doing it this way to have a consistent design standard waiver. The Commission could ask that the existing procedures be implemented into the design standards, which requires a submittal to the Planning Commission and/or City Council. Carlson sought clarification that the new procedure does eliminate some public hearings. Peo concurred that it will eliminate Planning Commission, but it would still be a report on the City Council agenda with the possibility of a public hearing if the Council disagrees with it. These are typically very technical. We were looking at the idea of speeding up the process and simplifying the matter, but yet still have the ability for someone to have public comment. Carlson suggested that the argument that it never comes up could be argument for not changing the procedure. Peo suggested that it's a matter of time. Sometimes you hold up a plat because they need or want a waiver.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 6, 2000

Schwinn made a motion for approval, with the amendments set forth in the Blessing & Chase letter dated August 29, 2000, seconded by Duvall.

Amendment #1 - Carlson moved to amend to substitute the current waiver procedure into the new design standards, seconded by Hunter. Carlson is concerned about the waiver procedure because he believes we need to have a relatively high standard for eliminating the public hearing process. Giving the people opportunity to speak is paramount. If there are specific sections of the design standards that continually need waivers then we need to fix those sections. He does not see a big enough problem to eliminate any public hearing. Hunter agreed. We are here for that purpose, i.e. to review these projects as a whole. Motion to amend to substitute the existing waiver procedure in Title 1, Chapter 1.00, carried 8-0: Krieser, Newman, Hunter, Duvall, Taylor, Schwinn, Carlson and Bayer voting 'yes'; Steward absent.

Schwinn began discussion with regard to the sanitary sewer easements going from 20' to 30'. He believes he has built next to these and, as he recalls, he still had his 5' side yard requirement from that easement. Bartels disagreed. The setback is going to be from your property line. If you had

sewer centered on the property line with the 20' easement centered on that, you would be 10' from the yard line but your building setback would be part of the easement. We allow people to build right up next to the edge of our easement and even allow a roof to overhang. The design standards are basically 30' for storm sewers if it is downstream. It might well have been 15' because of the 30' easement on a storm sewer. Schwinn decided that he could live with the 30' then. 20' is pretty close to be working if you are trying to fix a broken water main or something like that.

Amendment #2 - Schwinn made a motion to amend to delete #8 on page 2 of the Executive Summary, seconded by Duvall. This will end the requirement of running stubs underneath the city streets. Bartels explained that the sewer system in new subdivision is 100% installed by a contractor hired by the developer; the staking is done 95% by the developer's engineer as far as construction surveying when these sewers are being constructed. Public Works does not have the people to do full time inspection. The City still has to do taps on ones where the stubs aren't installed. This cost is recovered through the fee when a permit is taken out for it. The city would be covered cost wise, but he is not sure personnel-wise. Hunter wondered what would happen if it falls back to the city to tap the line. Schwinn suggested that we're disturbing less soil. It is still a developer responsibility. The plumber digs underneath and then the city taps it.

Motion to delete #8, on page 2 of the Executive Summary carried 8-0: Krieser, Newman, Hunter, Duvall, Taylor, Schwinn, Carlson and Bayer voting 'yes'; Steward absent.

Amendment #3 - Schwinn moved to amend to leave the residential lighting standards as they exist, seconded by Newman and carried 8-0: Krieser, Newman, Hunter, Duvall, Taylor, Schwinn, Carlson and Bayer voting 'yes'; Steward absent.

Amendment #4 - Newman made a motion to amend to add the words "in newer areas" to #16 on page 4 of the Executive Summary. This relates to the establishment of lateral obstacle clearance requirements. Before this motion was seconded, Peo suggested that this would create a definitional problem—what do we mean by "newer area"? It is a more appropriate waiver issue. Otherwise, we will have to define what types of subdivisions are newer and which are not newer. Motion failed for lack of a second.

Newman moved to amend to delete #16 on page 4 of the Executive Summary, seconded by Carlson. Bartels explained that there is nothing in writing now with regard to lateral obstacle clearance. They try to get 6' of clearance and 2' is an absolute minimum. It's a safety issue. Carlson wondered about the enforcement procedure. Bartels explained that we don't get that kind of detail on a 100 scale drawing when reviewing a plat. Some of these standards are not only for platting purposes, but a tool for someone designing what we are looking for.

Hunter will vote against the amendment because she believes we need to err on the side of some sort of standard.

Motion to delete #16, on page 4, failed 2-6: Newman and Carlson voting 'yes'; Krieser, Hunter, Duvall, Taylor, Schwinn and Bayer voting 'no'; Steward absent.

Carlson noted that there was public comment about #12 on page 4 regarding grading of public streets to provide slope from the building line to the curb. However, no motion was made for an amendment.

Bayer clarified that this action has incorporated the Blessing & Chase amendments, including the additional language, "within 2 years", with regard to landscaping with the paving construction.

Main motion, as amended, carried 8-0: Krieser, Newman, Hunter, Duvall, Taylor, Schwinn, Carlson and Bayer voting 'yes'; Steward absent.